

David W. Overholt - 3846  
**RICHER & OVERHOLT, P.C.**  
901 West Baxter Drive  
South Jordan, UT 84095  
Telephone: (801) 561-4750

Attorneys for Sysco Intermountain Food Services, Inc.

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**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF UTAH (SALT LAKE CITY)**

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In Re:	Bankruptcy No. 09-29905
EASY STREET HOLDING, LLC, et al.,	Jointly Administered with Case Nos. 08-22907 and 08-22908
Debtors.	Chapter 11
Address: 201 Heber Avenue Park City, UT 84060	Honorable R. Kimball Mosier
Tax ID Numbers: 35-2183713 (Easy Street Holding, LLC), 20-4502979 (Easy Street Partners, LLC), and 84-1685764 (Easy Street Mezzanine, LLC)	

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**EX PARTE ORDER APPROVING STIPULATION FOR TREATMENT OF  
CLAIM OF SYSCO INTERMOUNTAIN FOOD SERVICES, INC.**

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The Motion of Sysco Intermountain Food Services, Inc. to Approve Stipulation for Treatment of Claim of Sysco Intermountain Food Service, Inc. and the Affidavit of David W. Overholt in Support of Ex Parte Order Approving Stipulation for Treatment of Claim of Sysco Intermountain

Food Service, Inc., having come before the above-entitled court, there being no objections, and the Court finding good cause therefor and being fully advised in the premises,

**IT IS ORDERED, ADJUDGED AND DECREED** that the Stipulation for Treatment of Claim of Sysco Intermountain Food Services, Inc., a copy of which is attached hereto as Exhibit "A", is hereby approved.

DATED this \_\_\_\_ day of May, 2010.

BY THE COURT:

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HONORABLE R. KIMBALL MOSIER  
U.S. Bankruptcy Court Judge

**COURT CERTIFICATE OF SERVICE**

I hereby certify that on the \_\_\_\_ day of May, 2010, I caused a true and correct copy of the foregoing to be served upon the following parties by placing the same in the United States mail, postage prepaid, addressed as follows:

Easy Street Holding, LLC, et. al.  
C/O Kenneth L. Cannon, II  
Durham Jones & Pinegar, P.C.  
111 East Broadway, Suite 900  
P.O. Box 4050  
Salt Lake City, UT 84111

Joseph E. Wrona  
Wrona Law Offices, P.C.  
1745 Sidewinder Drive  
Park City, UT 84060

Corbin B. Gordon  
345 West 600 South, Suite 108  
Heber City, UT 84032

Michael V. Blumenthal  
Crowell & Moring, LLP  
590 Madison Avenue, 20<sup>th</sup> Floor  
New York, New York 10022

John T. Morgan  
US Trustee's Office  
405 South Main Street, Suite 300  
Salt Lake City, UT 84111

Jeffrey Weston Shields  
Jones Waldo Holbrook & McDonough, PC  
170 South Main Street, Stuie4 100  
Salt Lake City, UT 84101

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**EXHIBIT “A”**

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**STIPULATION FOR TREATMENT OF CLAIM OF  
SYSCO INTERMOUNTAIN FOOD SERVICES, INC.**

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Sysco Intermountain Food Services, Inc., a creditor and seller of goods to the Debtors (“Claimant”), having filed Claim No. 18 in the matter of Easy Street Partners, LLC on November 13, 2009 (“Claim”) and the Debtors Easy Street Holding, LLC, Easy Street Partners, LLC and Easy Street Mezzanine, LLC. (collectively, the “Parties”), by and through their respective counsel, hereby stipulate as follows:

**RECITALS**

On September 14, 2009 Easy Street Partners, LLC filed the Petition herein under Chapter 11 of the United States Bankruptcy Code, Case No. 09-29907. On November 13, 2009, counsel

for the Claimant filed Claim No. 18 in the matter of Easy Street Partners, LLC, Case Number 09-29907, asserting claims totaling \$11,381.53. Claimant alleges that the entire claim in the amount of \$11,381.53 is an Administrative Claim under 11 U.S.C. § 503(b)(9), with all goods having been provided to the Debtors within twenty (20) days prior to the filing of the Bankruptcy Petitions. In addition, Claimant asserts that it holds a properly perfected security interest in miscellaneous small wares totaling \$32,0901.13 pursuant to its UCC1 Financing Statement filed October 25, 2007, Filing Number 330936200705; which claim is in dispute, because although the UCC1 Financing Statement was filed against Easy Street Mezzanine, LLC, the Debtors believe the claim should have been filed against Easy Street Partners, LLC. In addition, Claimant asserts that a portion of its Claim which has not been determined may be entitled to superpriority PACA status under 7 U.S.C. § 499e(c). These Claim assertions overlap.

#### **AGREEMENT**

After meeting and conferring, the Parties hereby stipulate as follows:

1. The entire amount of the Claim, \$11,381.53, shall be treated as an administrative claim under 11 U.S.C. § 503(b)(9), (the "Allowed Claim").
2. Any distributions on account of the Allowed Claim shall be made to the Claimant.
3. No further claims may be filed against the Debtors or the bankruptcy estate with respect to any alleged amounts owed that are already asserted in the Allowed Claim.
4. This Stipulation shall be subject to this Bankruptcy Court's approval and shall be deemed null and void should this Bankruptcy Court not approve the Stipulation as set forth herein.
5. Counsel for the Parties represent that they have authority to enter into this

Stipulation for their respective clients. This Stipulation may be executed in two or more counterparts, each of which shall be deemed an original, but all of which together shall constitute one and the same instrument. Signature pages provided by facsimile or electronically shall be deemed to constitute signed original pages.

DATED this 17 day of February, 2010.

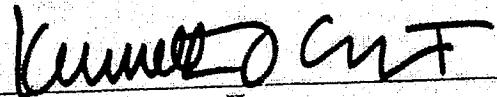
RICHER & OVERHOLT, P.C.



David W. Overholt  
Attorney for Sysco Intermountain Food Services, Inc.

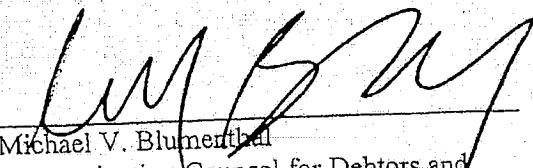
DATED this 20<sup>th</sup> day of ~~February~~<sup>April</sup>, 2010.

DURHAM JONES & PINEGAR, P.C.



Kenneth L. Cannon, II  
Utah Counsel for Debtors and Debtors in Possession

DATED this 2<sup>nd</sup> day of February, 2010.



Michael V. Blumenthal

Reorganization Counsel for Debtors and Debtors in Possession